

REMARKS

In the Office action mailed May 8, 2006, the examiner rejects claims 1-4, 7-9, 11, 12, 16, 17, and 20. New claim 21 is added herein. These claims are pending and under consideration.

No new matter is asserted. Approval and entry are respectfully requested.

I. Response to Advisory Action

In the Advisory Action mailed September 26, 2006, the Examiner states in the continuation of item 11 that the steps of "extracting sales information" and "storing the purchase information as invalid purchase information" are alternatives to the step of "storing the received purchase information as valid purchase information." Therefore, the Examiner asserts the statements are alternatives that are mutually exclusive of each other. In other words, Examiner asserts "the second sales information (sic) is either stored in the first storing part, or not stored in the first storing part. As such Examiner is only required to find one of the steps to properly anticipate the claim..(sic)"

The Applicant respectfully disagrees. Whether the second sales information is stored in the first storing part or not stored in the first storing part, U.S. Patent No. 6,748,365 ("Quinlan") in view of U.S. Patent No. 6,847,935 ("Solomon") both fail to recite "based on the retail sellers, times and places identified by the first sales information and the second sales information, **determining whether the second sales information included in the received purchase information is stored in said first storing part**" and "storing the purchase information as **unidentified validity purchase information** in the second storing part upon the second information of the purchase information not having a value **within the range of values**," (emphasis added) features of claim 1. Further distinctions between the claims and the cited references are discussed in the response below.

II. Response to § 103 rejections

The examiner rejects claims 1-4, 7-9, 11, 12, 16, 17, and 20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,748,365 ("Quinlan") in view of U.S. Patent No. 6,847,935 ("Solomon"). These rejections are respectfully traversed.

For example, claim 1 recites extracting "a range of values of a second information between a minimum value of the second information to a maximum value of the second information." Additionally, claim 1 recites considering whether purchase information has a value

within this range of values when storing purchase information as "invalid" or as "unidentified validity". None of the references cited by the examiner teach or suggest these features.

Regarding Quinlan, Quinlan describes a system for processing rebate claims and does not teach anything comparable to these features. The admission in the Office action on page 4 appears to support this.

Regarding Solomon, Solomon also fails to describe any features comparable to these features of claim 1. The text of Solomon cited by the examiner discloses "breakage refers to any event that prevents a rebate transaction from being completed, for example, denying based on bad verification materials such as receipts or UPC symbols, denying based on improper purchase dates or purchase price..." At best, Solomon teaches a specific purchase date and/or a specific purchase price. However, Solomon fails to teach a **range** of values, as recited, for example, in claim 1.

However, claim 1, recites storing the purchase information as invalid purchase information in the second storing part upon the second information of the purchase information having a value that is **within the range of values** between the minimum value of the second information and the maximum value of the second information; and storing the purchase information as unidentified validity purchase information in the second storing part upon the second information of the purchase **information not having a value within the range of values**. None of the teachings of Solomon relate to the "storing the purchase information as invalid purchase information in the second storing part upon the second information of the purchase information having a value that is **within the range of values** between the minimum value of the second information and the maximum value of the second information," features of claim 1.

Furthermore, Solomon also fails to teach "storing the purchase information as unidentified validity purchase information ... information **not** having a value within the range of values," as recited in claim 1. Additionally, no other portions of Solomon teach any feature similar to the "range of values" features of claim 1.

As neither Quinlan nor Solomon teaches any feature comparable to the "range of values" features of claim 1, the references in combination also do not teach or suggest these features. As such, the prior art cited by the examiner does not render claim 1 unpatentable.

Regarding claims 7, 11, 16, 17, and 20, Quinlan in view of Solomon does not render these claims unpatentable at least because each of these claims includes a feature *including a range of values ... between a minimum value ... to a maximum value*, as recited, for example, in

claim 1 discussed above. Regarding claims 2-4, 6, 8, 9, and 12, the prior art cited by the examiner does not render these claims unpatentable at least because each of these claims depends upon an allowable base claim.

III. New Claim 21

New claim 21 is added herein. New claim 21 recites in part,

"evaluating the data at the computing system of the commodity seller, based on the transaction information received from the end purchaser and a corresponding received electronic sale transaction of the commodity and based on the data, *identifying sales information that has been **already used** for verifying the purchase information...*"

Neither Quinlan nor Solomon teach any feature comparable to the feature "*identifying sales information that has been **already used** for verifying the purchase information*" of new claim 21. The references in combination also do not teach or suggest these features. As such, it is respectfully submitted that claim 21 is patentable over the prior art cited by the examiner. Support for claim 21 can be found for example, on pages 15, line 2 thru page 16, line 10.

IV. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

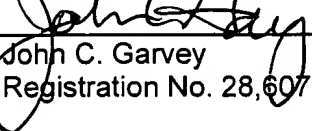
Finally, if there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10-10-06

By: 
John C. Garvey
Registration No. 28,607

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005

Serial No. 09/986,026

Telephone: (202) 434-1500
Facsimile: (202) 434-1501